

REMARKS

Applicants wish to thank Examiner Befumo for the interview on August 19, 2003. As agreed in the interview, Applicants have ensured that all independent claims state that the bond site has an aspect ratio of greater than about 3. Additionally, a declaration showing the criticality of the aspect ratio is included.

Claims 6-7, 9-15, and 24-26 are pending in the present application. No additional claims fee is believed to be due.

Claim 8 is canceled without prejudice. Claims 6, 11, and 14 have been amended to specify that the aspect ratio is 3. Claim 9 has been amended to be consistent with the description of the aspect ratio. New claims 24-26 have been added. Claims 24-26 include a width limitation for the bond site. Support for the limitation is on page 18, line 22-24.

Restriction Requirement

The Examiner has required restriction as to Claims 1-5 (Group I); Claims 6-15 (Group II), and Claims 16-23 (Group III), because the inventions are distinct. For the purpose of compliance with the election request and to expedite prosecution, Applicants elect, with traverse, Group II, encompassing Claims 6-15.

Drawings

Applicants are submitting corrected formal drawings showing a change to Fig. 9 and a new copy of the photograph shown in Fig. 8. Applicants believe the formal drawings to be consistent with 37 C.F.R. §1.83(a) and M.P.E.P. §608.02(r).

Obviousness Double Patenting

The Examiner has rejected Claims 6-15 for obviousness-type double patenting over Claims 1-3 of co-pending Application No. 09/886,740; over Claims 1-9 of co-pending Application No. 09/886,828; over Claims 10-27 of co-pending Application No. 09/467,938; over Claims 1-9 and 21-30 of co-pending Application No. 09/584,676; over Claims 1-20 of co-pending Application No. 09/553,641; and over Claims 1-20 of co-pending Application No. 09/553,871. Pursuant to M.P.E.P. §1490, Applicants enclose an appropriate Terminal Disclaimer compliant with 35 U.S.C. §253 and 37 C.F.R. §3.73.

Rejection Under 35 USC 102 and 103

The Examiner has rejected Claims 6, 7, and 10 under 35 USC 102(b) as being anticipated by Srinivasan (U.S. Patent No. 5,567,501) and Palumbo (WO 96/10979). The Examiner states that Claims 8, 9, 11, 12, 14, and 15 have been rejected under 35 USC 103(a) as being unpatentable over Srinivasan, et al. (U.S. Patent No. 5,851,935) and over Palumbo (WO 96/10979). Claim 13 has been rejected under 35 USC 103(a) as being unpatentable over Srinivasan, et al. and Palumbo, et al., in view of Abuto, et al. (U.S. Patent No. 5,788,684).

As discussed with the Examiner, none of the above cited references discloses an aspect ratio of greater than about 3. As stated and shown in the attached declaration, the aspect ratio is critical to the claimed laminate web. With an aspect ratio of one, as disclosed in the prior art, the resulting laminate web does not form apertures of similar shape and size that are located at the bond sites. Apertures are only formed randomly and are some times only partially formed. When the aspect ratio of the bond sites is greater than about 3, the apertures are consistently and uniformly formed at the bond sites. This is shown by the Applicant in the attached declaration.

Although the Examiner did not site McCormack et al. (US patent 5,964,742) in this case, McCormack et al. was sited in co-pending applications. As discussed with the Examiner, McCormack et al. does not teach the use of a bond sites with an aspect ratio greater than 3 for a laminate such as the present invention. McCormack et al. states that the novel S-weave pattern may be used to self-bond fabrics and should be distinguished from patterns made to laminate materials together which are significantly different (column 11, lines 1-3).

The attached declaration and remarks have shown that the claimed aspect ratio critically changes the structure of the laminate and that the laminate with an aspect ratio of greater than 3 is patentably distinct from the prior art articles. The claimed aspect ratio is critical to the function of the article and is not taught or disclosed in the prior art. Additionally, one having ordinary skill in the art would not have been motivated to develop the present invention based on the prior art.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections. Early and favorable action in the case is respectfully requested.

Applicants have made an earnest effort to place their application in proper form and to

Appl. No. 09/886,730
Atty. Docket No. 8594
Amdt. dated September 29, 2003
Reply to Office Action of March 27, 2003
Customer No. 27752

Applicants respectfully request reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 6-7, 9-15, and 24-26.

Respectfully submitted,

John J. Curro, et al.

By Angela Marie Stone
Angela Marie Stone
Attorney for Applicants
Registration No. 41,335
(513)634-9397

September 29, 2003
Customer No. 27752